



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 15, 2001

Mr. Doug Rosenkrance
Watermaster, Water District 34
107 S. Main Ave.
Mackay, ID 83251

RE: Implementation of General Provisions 6a and 6b in Water District 34

Dear Doug:

I am again writing to you as the senior IDWR representative who participated in the negotiations that developed the new General Provisions in Water District 34. In my letter to you dated June 4, 2001, I discussed Provision 3g. It is my understanding that waterusers in Water District 34 have also expressed concerns about the implementation of Provisions 6a and 6b. While we have discussed these provisions to some extent, we have not yet provided a written analysis. This is the first such written analysis to be issued by IDWR relative to these provisions since they have been decreed by the SRBA Court.

General Provision No. 6 is written as follows:

6. The following surface water rights from the Big Lost River and its tributaries upstream of Mackay Reservoir shall be administered separately from all other non-storage, surface water rights from the Big Lost River downstream of Mackay Reservoir during two periods of time as follows:
 - a. From the beginning of the irrigation season until the time on the rising stage of the Big Lost River when the maximum flow at the Howell gage reaches at least 750 cubic feet per second at any time for three consecutive days; and
 - b. After the time on the falling stage of the Big Lost River when the minimum flow recedes to no more than 450 cubic feet per second at any time for three consecutive days until the end of the irrigation season.
 - c. For purposes of determining the amount of water being supplied to Mackay Reservoir from curtailment of diversions upstream from the reservoir, measurements will be made on the Big Lost River at the Pense Bridge located in the T 8 N, R 23 E, S 30, SW 1/4 NE 1/4, and on the Donahue Bridge on Parsons Creek located in the T 8 N, R 22 E, S 24, SW 1/4 SE 1/4. These measurements will be used by the Watermaster to make futile call determinations.

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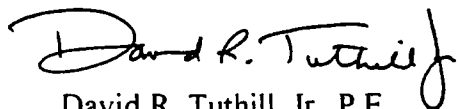
It is my understanding that a question has arisen regarding the potential for a situation whereby the river (1) connects on the rising stage of the river at flows of 750 cfs or greater for three consecutive days, (2) disconnects on the falling stage of the river at flows of 450 cfs or less for three consecutive days, and (3) experiences flows of greater than 750 cfs for three consecutive days again during the same irrigation season.

Analysis of these General Provisions requires that the terms "rising stage" and "falling stage" be interpreted. While formal definitions are not included in the General Provisions, the terms are commonly used by hydrologists to refer to trends in water levels as depicted on a hydrograph. For example, a one-day spike on a hydrograph due to a flash flood, or a one-day depression in a hydrograph due to a freeze would not be considered to depict the "rising stage" or the "falling stage." Stages are considered to be multi-day trends. However, it is possible that during a year a stream could experience more than one "rising stage" and "falling stage", as confirmed by the senior hydrologist at IDWR, Mr. Bill Ondrechen. As an example, in 1992 the hydrograph clearly depicts two separate rising and falling stages, one in early May and another in late May. Thus, it is possible for the river to connect on the rising stage as described in General Provision 6a, and for the river to disconnect as described in General Provision 6b, more than one time during the year.

To assess the impact of this analysis we have reviewed the hydrographs for Howell Gage on the Big Lost River for recent years. We have found that this situation is infrequent, but can occur. This year, for example, it is possible that this situation will again occur. As you are aware, we have already experienced the connection of the river at 750 cfs or greater, and the disconnection of the river at 450 cfs or less. In the event that the river again reaches 750 cfs or greater for three days, the river will be considered to have experienced another rising stage and will reconnect again under General Provision 6a.

I recognize that this assessment is different from off-the-cuff discussions that various IDWR members, including myself, have had at various times with various waterusers during recent weeks. However, this assessment, which has been reviewed by knowledgeable people in the Department, represents our official interpretation at this time. Thus, please consider this letter to serve as guidance for you as Watermaster on this issue.

Sincerely,



David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

Cc: Attached Mailing List
Norm Young, Tim Luke, Susan Hamlin, Carter Fritschle

Enclosure: Letter dated June 4, 2001